

03500.014529.1

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Unassigned
YUKIKO IWASAKI, ET AL.)	
	:	Group Art Unit: 2812
Application No.: 10/669,002)	
	:	
Filed: September 24, 2003)	
	:	
For: PROCESS FOR PRODUCING)	
SEMICONDUCTOR MEMBER,	:	
PROCESS FOR PRODUCING)	
SOLAR CELL, AND ANODIZING	:	
APPARATUS)	February 6, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Sir:

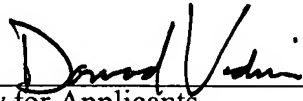
Applicants respectfully direct the Examiner's attention to the enclosed Chinese Office Action which issued during prosecution of a Chinese patent application corresponding to the above U.S. application.

The Chinese Office Action lists U.S. Patent No. 5,811,348. Since this U.S. patent was already cited in the Information Disclosure Statement dated September 24, 2003, a Form PTO-1449 does not accompany this Letter.

No fee is believed due; however, any fee required in connection with this paper should be charged to Deposit Account No. 06-1205. A duplicate of this paper is enclosed.

Applicants' undersigned attorney may be reached in our Washington D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants
Damond E. Vadnais
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DEV/vc

DC_MAIN 157035v1

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	CANON KABUSHIKI KAISHA	
Attorney:	DU RIXIN	
Application No.:	00121745.3	Date of Notification: Date: <u>07</u> Month: <u>11</u> Year: <u>2003</u>
Title of the Invention:	PROCESS FOR PRODUCING SEMICONDUCTOR MEMBER, PROCESS FOR PRODUCING SOLAR CELL, AND ANODIZING APPARATUS	

Notification of the First Office Action

1. ☒ The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").
 - ☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):
 - filed in _____ on 08/06/1999, filed in _____ on _____,
 - filed in _____ on _____, filed in _____ on _____,
 - filed in _____ on _____, filed in _____ on _____,
 - ☒ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.
 - ☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.
 - ☐ The application is a PCT continuation.
3. ☐ The applicant submitted amendments to the application on _____ and on _____, wherein the amended _____ submitted on _____ and the amended _____ submitted on _____ are not acceptable, because said amendments do not comply with ☐ Article 33 of the Patent Law. ☐ Rule 51 of the Implementing Regulations of the Patent Law. The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
4. ☒ Examination as to substance was directed to the initial application documents as filed.
 - ☐ Examination as to substance was directed to the documents as specified below:
 - pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
 - pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
 - pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
 - the abstract submitted on _____, and the figure for the abstract submitted on _____.
5. ☐ This Notification is issued without search reports.
 - ☒ This Notification is issued with consideration of the search results.
 - ☒ Below is/are the reference document(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	US5811348A	Date: <u>22</u> Month: <u>9</u> Year: <u>1998</u>
2		Date: __ Month: __ Year: __
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __

6. Conclusions of the Action:

☒ On the Specification:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☒ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

☒ On the Claims:

- ☐ Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☐ Claim(s) _____ does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☒ Claim(s) 15,16,19,28,29,32 does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☒ Claim(s) 43,46 does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☒ Claim(s) 3,7,8,10,14,16,24-27,29,39-42 does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with Article 9 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 2 pages and the following attachments:

- ☒ 1 cited reference(s), totaling 16 pages. ☐

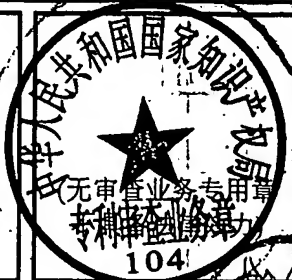
Examination Dept. 9 Examiner: YAN LIGANG Seal of the Examination Department



中华人民共和国国家知识产权局

邮政编码: 100037

北京市阜成门外大街2号8层
中国国际贸易促进委员会专利商标事务所
杜日新



申请号: 00121745.3 部门及通知书类型: 9--C 发文日期:

申请人: 佳能株式会社

发明名称: 生产半导体部件的方法, 生产太阳能电池的方法和阳极化处理设备

第一次审查意见通知书

1. ☒ 依申请人提出的实审请求, 根据专利法第35条第1款的规定, 审查员对上述发明专利申请进行实质审查。
☐ 根据专利法第35条第2款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

JP 专利局的申请日 1999年6月8日 为优先权日,
专利局的申请日 为优先权日,
专利局的申请日 为优先权日,
专利局的申请日 为优先权日,
专利局的申请日 为优先权日,

2-002002

- ☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第30条的规定视为未提出优先权要求。
3. ☐ 申请人于____年__月__日和____年__月__日提交了修改文件。
☐ 经审查, 其中: ____年__月__日提交的____不能被接受; ____年__月__日提交的____不能被接受;
因为上述修改: ☐ 不符合专利法第33条的规定。 ☐ 不符合实施细则第51条的规定。
修改不能被接受的具体理由见通知书正文部分。
4. ☒ 审查是针对原始申请文件进行的。
☐ 审查是针对下述申请文件进行的:

说明书 申请日提交的原始申请文件的第____页;
____年__月__日提交的第____页; ____年__月__日提交的第____页;
____年__月__日提交的第____页; ____年__月__日提交的第____页;

权利要求 申请日提交的原始申请文件的第____项;
____年__月__日提交的第____项; ____年__月__日提交的第____项;
____年__月__日提交的第____项; ____年__月__日提交的第____项;

附图 申请日提交的原始申请文件的第____页;
____年__月__日提交的第____页; ____年__月__日提交的第____页;
____年__月__日提交的第____页; ____年__月__日提交的第____页;

说明书摘要 ☐ 申请日提交的; ☐ ____年__月__日提交的;

摘要附图 ☐ 申请日提交的; ☐ ____年__月__日提交的。

5. ☐ 本通知书是在未进行检索的情况下作出的。

21301
2002.1



回函请寄: 100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局受理处收
(注: 凡寄给审查员个人的信函不具有法律效力)



中华人民共和国国家知识产权局

- ☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	US5811348A	1998-09-22
2		
3		
4		

6. 审查的结论性意见:

☒ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
☐ 说明书不符合专利法第 26 条第 3 款的规定。
☒ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书:

- ☐ 权利要求____不具备专利法第 22 条第 2 款规定的新颖性。
☐ 权利要求____不具备专利法第 22 条第 3 款规定的创造性。
☐ 权利要求____不具备专利法第 22 条第 4 款规定的实用性。
☐ 权利要求____属于专利法第 25 条规定的不授予专利权的范围。
☒ 权利要求 15、16、19、28、29、32 不符合专利法第 26 条第 4 款的规定。
☒ 权利要求 43、46 不符合专利法第 31 条第 1 款的规定。
☐ 权利要求____不符合实施细则第 2 条第 1 款关于发明的定义。
☐ 权利要求____不符合实施细则第 13 条第 1 款的规定。
☒ 权利要求 3、7、8、10、14、16、24-27、29、39-42 不符合实施细则第 20 条至第 23 条的规定。
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 肆 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 1 份 16 页。
☐

21301
2002.8



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
(注: 凡寄给审查员个人的信函不具有法律效力)